GENERAL AND REVENUE SECRETARIAT

Serial Nos. one only

Part B for

URJECT

The Mysore War Measures Act 1962

To

The Controller Mysore Gazette

No RL 95 - Mysl 1-42-1 dated 22nd July 1962

Orders the publication of the Act as Act No

1 1962

for Secretary to Government

File No.
Current No. Mysore War Injuries Bill

of Page.

OFFICE OF THE MINISTER FOR LAW
MAY 13 1942
No. 1720

Submitted,

Drafts of the Mysore War Injuries Bill and the Statement of principles are put up herewith for approval.

21.
12-5-42 BNR 13/5

may be approved. This is one of the Bills ordered to be placed before the Assembly in June

12.5.42
Secy (Rathe)

BNR
12.5.42
Law Secy)

The Statement of principles may be approved.

Minister for Law)

Hm
12/5/42

BNR
12.5.42

Hm
13/5

Hm
13/5/42

BNR
14.5.42

GOVT. LAW DEPT. 4241 12 MAY 1942 GOVT OF MYSORE

The general principles of this Bill were placed before the Assembly on the 1st June and approved by that House. It is for Consideration

WD 06260—GPB—500 pads of 100 sheets each—20-3-42

Mysore War Injuries Bill.

General and Revenue Secretariat
R. A. & L. C.

File No: of 194 App. F. III-2

Serial No.

OFFICE OF THE MINISTER FOR LAW
JUN 3 1942
No. 17331

The Bill may be published in the Gazette under rule 36 of the Mysore Legislative Rules, in which case one stage in the Legislative Council will be obviated. The Statement of Principles will be adopted as the Statement of objects and Reasons.

Secy (Revenue) 3.6.42

Law Secy) BKR 3.6.42 3.6.42

Minister for Law Devaraj Cws 3-6-42

Rev 5/6/42

Submitted with a draft notification, under rule 36, of the Legislative rules, for approval

DSR 6.6.42

Issue 6.6.42

Issued vide PL 2567 dated 6.6.1942.

The Mysore War Injuries Bill

2933
RR

of 1941-42

General and Revenue Secretariat
R. A. & L. C.

Serial No.

The final principles of the Mysore War Injuries Bill have been approved by the R. A. As the same is proposed to be placed at the ensuing budget Session of the L. C. for being enacted into law, the following motions in respect of the bill are put up for consideration.

1) Motion to introduce the bill and to move that the bill published under rule 36 of the ~~Mysore~~ Legislative rules, be taken into consideration by the Council at once.

~~27~~ ~~Ho~~ Mover - Minister for Law

2) Motion that the bill be passed

Mover - Minister for Law

DSR
9.6.42 BOXR 9/6.

BOXR
10.6.42

Law Ministry

The Bill was taken into Consideration and also passed by the LC today.

Please put up a DFN.

DSR
22.6.42

D. F. N. may be effected

DSR
29.6.42

BOXR
30.6.42

Law Secy

Law Minister

1.7.42

BOXR
1.7.42

GOVT. LAW DEPT. 5090 30 JUNE 1942 GOVT OF MYSORE

A & S.N. is submitted for approval

206

Final Note by the Minister for Law.

Subject.—

Promulgation into Law of the Mysore War Injuries Bill.

On the 21st January 1942, His Highness was graciously pleased to approve of the Mysore War Injuries Emergency Act being passed to provide for the grant of relief in respect of personal injuries sustained during the continuance of the present war A scheme under which payment will be made in the cases covered by the measure has also been made and published under the Emergency Act. As the circumstances necessitating the promulgation of the Emergency Act are still continuing, Government considered it necessary to place the measure permanently on the Statute Book. Accordingly, a Bill drafted on the lines of the Emergency Act was placed before the Representative Assembly at its recent Budget Session in June 1942, and was approved by it. The Bill was thereafter introduced in the Legislative Council at its recent Budget Session and passed by the Council.

A copy of the Bill signed by the President, Legislative Council is submitted to His Highness the Maharaja for assent.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
2nd July 1942.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of The Mysore War Injuries Bill, for His Highness's gracious approval.

M. Visvesvaraya

D E W A N.

Bangalore,

4th July 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore War Injuries Bill.

Order.

11/7/42.

General and Revenue

Secretariat.

SUBJECT :—

Promulgation into law of the Mysore War Injuries Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

M. S. 9/7
Chief Secretary to Government.

Through the Secretary to Government,

.....L..a..w.....Department. 10-7-42

199.
10.7.42 Minister for Finance and Revenue. 10

Law
11.7.42 Minister for Law. 12/7

221
10.7 Minister for Education. 11.7.42

415
11.7. Minister for Local Self-Govt. and Public Health. 11.7.42

Law
W/C. 18/7

WD 06360—GPB—500—23-3-42

14-7-42

14.7.42 14.7.42

The Mysore War Injuries Act, 1942

File No. / Current No. 2933/42 of Page.

The gracious assent of His Highness The Maharaj was accorded on the 7th day of July 1942, to promulgate the Bill into law

A draft G.O. directing publication of the Mysore War Injuries Act, as Act No XXII of 1942 is submitted for approval

20.7.42

20.7.42

Secy RA 42

BXR 20.7.42

Law Secy

Cus 20.7.42

DSME

BXR 20.7.42

Issued No RL 95 Legis 1-42-1 dated 22nd July 1942 to the compiler Mysore Gazette

A copy of the Act is placed herewith. The file will be closed, if approved

7/9/42

THE MYSORE WAR INJURIES BILL.

Statement of Principles.

By promulgating the War Injuries Ordinance, 1941, the Government of India have taken power to make a scheme or schemes in accordance with the provisions of the Ordinance for the grant of relief in respect of war injuries and war service injuries, which may be sustained as a result of enemy action or of combating the enemy or of repelling an imagined attack by the enemy.

In view of the possibility of similar injuries being sustained in Mysore, the Government considered it desirable to have a similar enactment in Mysore. As the matter was urgent an Emergency Act was passed in the first instance in January 1942.

The circumstances necessitating the promulgation of the Emergency Act are still continuing. It is therefore proposed to place the measure permanently on the Statute Book. A scheme under which payment will be made in the cases covered by the measure has also been made and published under the Emergency Act.

NOTIFICATION.

Order No. R. L. 1383—*Legis.* 46-41-1, *dated Bangalore, the 4th February* 1942.

Ordered that the accompanying Act to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities, which received the assent of His Highness the Maharaja, on the 21st day of January 1942, be published as Act No. XV of 1942, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

~~ACT NO. XV OF 1942.~~

Bill

THE MYSORE WAR INJURIES (~~EMERGENCY) ACT, 1942~~.

A Bill

An ~~Act~~ to make the provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

(~~*Received the assent of His Highness the Maharaja on the 21st day of January 1942.*~~)

it is expedient

WHEREAS ~~the Government of His Highness the Maharaja are satisfied that circumstances exist which render it necessary~~ to make ~~immediate~~ provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities;

NOW THEREFORE in ~~exercise of the powers conferred~~ by sub-section (1) of section 31 of the ~~Government~~ of Mysore Act 1940 (XVIII of 1940):

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore War Injuries (~~Emergency~~) Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Act and ending with such date as the Government may, by notification in the official Gazette, declare to be the date on which the present hostilities terminated;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

(5) "scheme" means a scheme made under this Act;

(6) "war injury" means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty the King Emperor or of His Highness the Maharaja or any allied power, or any part of, or anything dropped from any such aircraft;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority

authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity:

Provided that before being so satisfied the Government or any other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

Power to make schemes for relief in respect of war injuries and war service injuries.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely:—

(*a*) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and

(*b*) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

(*a*) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (*b*).

(*b*) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(*c*) payments for the purchase of or the grant at the cost of the Government of artificial limbs or surgical or other appliances, and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make rules for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be, but save in so far as it is so varied shall be final and conclusive.

Relief from liability to pay compensation or damages.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(*a*) would be payable under the Workmen's Compensation Act, 1928; or

(*b*) would, whether by virtue of any enactment or by virtue of any contract or at common law, be payable—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any

nactment shall not be a bar to the maintenance of roceedings in respect of any personal injury, if—

(*a*) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(*b*) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(*c*) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(*d*) the proceedings are commenced within one month from the date of the said certificate.

Information as to earnings.

5. (1) Where it is necessary in order to determine he amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

(*a*) any person who was an employer of the injured person during that period, or

(*b*) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

o furnish in accordance with the notice any information in is possession relating to those earnings or circumstances, nd to produce to any person specified in the notice any wage books, records or other documents in his possession ontaining entries with respect to those earnings.

(2) If any person—

(*a*) fails to comply with the requirements of any such notice, or

(*b*) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces

any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

Medical attention in dispensaries and hospitals.

5A. (1) The person managing any dispensary or hospital shall, if so required by the Government by general or special order,—

(*a*) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(*b*) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

Penalty for false statement.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

ıments ırges to d.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

~~N. MADHAVA~~ RAU,

Dewan.

(8) The Mysore War Injuries (Emergency) Act, 194 Act No. III of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 21st day of January 1942

~~Price: 0-0-6.~~

Printed by the Superintendent at the Government Press, Bangalore.

MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION, JUNE 1942.

BILLS.

THE MYSORE WAR INJURIES BILL.

Statement of Principles.

By promulgating the War Injuries Ordinance, 1941, the Government of India have taken power to make a scheme or schemes in accordance with the provisions of the Ordinance for the grant of relief in respect of war injuries and war service injuries which may be sustained as a result of enemy action or of combating the enemy or of repelling an imagined attack by the enemy.

In view of the possibility of similar injuries being sustained in Mysore, the Government considered it desirable to have a similar enactment in Mysore. As the matter was urgent, an Emergency Act was passed in the first instance in January 1942.

The circumstances necessitating the promulgation of the Emergency Act are still continuing. It is therefore proposed to place the measure permanently on the Statute Book. A scheme under which payment will be made in the cases covered by the measure has also been made and published under the Emergency Act.

THE MYSORE WAR INJURIES BILL.

A Bill to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

WHEREAS it is expedient to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore War Injuries Act, 194 . Sho exte com mer

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Inte tatic

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Act and ending with such date as the Government may, by notification in the official Gazette, declare to be the date on which the present hostilities terminated;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who,

though temporarily unemployed, is normally so engaged and dependent;

(5) "scheme" means a scheme made under this Act;

(6) "war injury" means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty the King Emperor or of His Highness the Maharaja or any allied power, or any part of, or anything dropped from any such aircraft;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity:

Provided that before being so satisfied the Government or any other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

Power to make schemes for relief in respect of war injuries and war service injuries.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely:—

(*a*) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and

(*b*) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

(*a*) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (*b*);

(*b*) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(*c*) payments for the purchase of or the grant at the cost of the Government of artificial limbs

or surgical or other appliances, and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make rules for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

Relief from liability to pay compensation or damages.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(*a*) would be payable under the Workmen's Compensation Act, 1928; or

(*b*) would, whether by virtue of any enactment or by virtue of any contract or at common law, be payable—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

(*a*) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(*b*) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(*c*) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(*d*) the proceedings are commenced within one month from the date of the said certificate.

Information as to earnings.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

(*a*) any person who was an employer of the injured person during that period, or

(*b*) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(*a*) fails to comply with the requirements of any such notice, or

(*b*) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

Medical attention in dispensaries and hospitals.

5-A. (1) The person managing any dispensary or hospital shall, if so required by the Government by general or special order,—

(*a*) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(*b*) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for false statement.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

Assignments or charges to be void.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

Repeal and savings.

8. The Mysore War Injuries (Emergency) Act, 1942, (XV of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on the 21st day of January 1942.

~~Translation~~ 21

GOVERNMENT BUSINESS.

BILLS.

The Mysore War Injuries Bill.

The CHIEF SECRETARY to GOVERNMENT (Mr. M.G.Mehhri) explained the general principles of the Bill as follows:—

Mr. K.CHENGALARAYA REDDY stated that the Congress had been adopting a particular policy so far as the measures relating to War were concerned. The reason for enacting this measure appeared to be that, because it had been promulgated in British India, they were enacting it in the Mysore State also. But so far as the Congress party was concerned, he wished to make it clear that their attitude towards this Bill, as with any War measure, was one of strict neutrality.

The principles of the Bill were put and passed, the Congress party remaining neutral.

MYSORE WAR INJURIES BILL.

Sir,-- I beg to ~~introduce the Mysore War-Injuries Bill and to~~ move that the Bill, published under Rule 36 of the Mysore Legislative Rules, be taken into consideration by the Council at once.

This Bill provides for the grant of relief in respect of certain personal injuries sustained during the course of the present hostilities. Such relief is made available to two classes of persons, viz., to Civil Defence Volunteers (that is to say, members of a Civil Defence Organization) and to gainfully occupied persons (that is to say, persons engaged in any trade, business-profession or office, and substantially dependent thereon for their livelihood). A gainfully occupied person is afforded relief only in respect of war injuries, that is to say, injuries caused by the enemy, or in combating the enemy, or in repelling an imagined attack by the enemy or by contact with aircraft or anything dropped from aircraft. A Civil Defence Volunteer is afforde relief not only in respect of war injuries but also in respect of war service injuries, that is to say, injuries arising out of, and in the course of, the performance of his duties, as such volunteer.

The Bill empowers the Government to make schemes for the grant of relief in respect of these two classes of persons and provides for the mode of ascertainment of injuries and the assessment of compensation.

Government considered in January last that the matter was urgent and that provision should be made for the grant of such relief. An Emergency Act was therefore promulgated in January 1942. A schem had been published in a Notification dated the 25th

The danger of the War approaching Mysore, and of war injuries and war service injuries being sustained in Mysore limits, has not yet disappeared It is therefore necessary to place this measure permanently on the Statute Book.

This measure has been approved by the Representative Assembly during its recent session. I have no doubt that this Bill will have the entire support of the Council.

I move that the Bill be taken into consideration by the Council.

No. R. L. 2567, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned War Injuries Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE MYSORE WAR INJURIES BILL.

Statement of Objects and Reasons.

By promulgating the War Injuries Ordinance, 1941, the Government of India have taken power to make a scheme or schemes in accordance with the provisions of the Ordinance for the grant of relief in respect of war injuries and war service injuries which may be sustained as a result of enemy action or of combating the enemy or of repelling an imagined attack by the enemy.

In view of the possibility of similar injuries being sustained in Mysore, the Government considered it desirable to have a similar enactment in Mysore. As the matter was urgent, an Emergency Act was passed in the first instance in January 1942.

The circumstances necessitating the promulgation of the Emergency Act are still continuing. It is therefore proposed to place the measure permanently on the Statute Book. A scheme under which payment will be made in the cases covered by the measure has also been made and published under the Emergency Act.

THE MYSORE WAR INJURIES BILL.

A Bill to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

WHEREAS it is expedient to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore War Injuries Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Act and ending with such date as the Government may, by notification in the official Gazette, declare to be the date on which the present hostilities terminated;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

(5) "scheme" means a scheme made under this Act;

(6) "war injury" means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty the King Emperor or of His Highness the Maharaja or any allied power, or any part of, or anything dropped from any such aircraft ;

(7) " war service injury ", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity :

Provided that before being so satisfied the Government or any other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

Power to make schemes for relief in respect of war injuries and war service injuries.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely :—

(*a*) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified ; and

(*b*) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government or any authority authorised by the Government to make payments under the scheme, in such circumstances and

subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

(*a*) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (*b*);

(*b*) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(*c*) payments for the purchase of or the grant at the cost of the Government of artificial limbs or surgical or other appliances, and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make rules for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

Relief from liability to pay compensation or damages.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(*a*) would be payable under the Workmen's Compensation Act, 1928; or

(*b*) would, whether by virtue of any enactment or by virtue of any contract or at common law, be payable—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

(*a*) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(*b*) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(*c*) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(*d*) the proceedings are commenced within one month from the date of the said certificate.

Information as to earnings.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

(*a*) any person who was an employer of the injured person during that period, or

(*b*) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(*a*) fails to comply with the requirements of any such notice, or

(*b*) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

Medical attention in dispensaries and hospitals.

5-A. (1) The person managing any dispensary or hospital shall, if so required by the Government by general or special order,—

(*a*) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(*b*) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply, when so required, with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for false statement.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

Assignments or charges to be void.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

8. The Mysore War Injuries (Emergency) Act, 1942, (XV of 1942) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on the 21st day of January 1942. Repeal and savings.

D. H. Chandrae Khe rajs
President, Legislative Council
27/6/42

No. R. L. 2569, dated Bangalore, the 6th June 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Penalties Enhancement Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE PENALTIES ENHANCEMENT BILL.

Statement of Objects and Reasons.

The Penalties Enhancement Ordinance, 1942, promulgated by the Governor-General in January 1942, provides for the enhancement, in certain circumstances, of the penalties provided by law for the punishment of certain offences. Such a step is intended to prevent theft and allied offences during war operations and during times of panic, by providing very deterrent punishment. These enhanced penalties, however, become applicable only by the issue of a notification by the Government to that effect.

Government considered it necessary to take similar power in Mysore to enhance penalties by the issue of a notification in an emergency. The matter being urgent, an Emergency Act was passed in February 1942. The circumstances have not changed for the better. It is necessary to continue the provisions of the Act beyond its life of six months. Therefore, this measure has been brought forward in order to place it permanently on the Statute Book. It is proposed to issue notifications under this Act only when the necessity for such issue arises.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 1-42-1 Dated, Bangalore, 28th July 1942

Ordered that the accompanying Mysore War Injuries Act, 1942

which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXII of 1942, in the *Mysore Gazette*, for general information.

MAR 28.7.42

General Secretary to Government.
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Branch

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE

Order No. RL 95 Legis. ~~1-42-1~~ 1-42-1

Dated, Bangalore, 20th July 1942

Ordered that the accompanying Mysore War Injuries Act, 1942 which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. ~~XXII~~ XXIII of 1942, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

No. R. L. 2567, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore egislative Rules, 1941, the Dewan has been pleased to der the publication in the Gazette of the undermentioned 'ar Injuries Bill, together with the statement of objects ıd reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE MYSORE WAR INJURIES BILL.

Statement of Objects and Reasons.

By promulgating the War Injuries Ordinance, 1941, ıe Government of India have taken power to make a ;heme or schemes in accordance with the provisions of ıe Ordinance for the grant of relief in respect of war ıjuries and war service injuries which may be sustained s a result of enemy action or of combating the enemy or f repelling an imagined attack by the enemy.

In view of the possibility of similar injuries being ustained in Mysore, the Government considered it desirble to have a similar enactment in Mysore. As the ıatter was urgent, an Emergency Act was passed in the rst instance in January 1942.

The circumstances necessitating the promulgation of he Emergency Act are still continuing. It is therefore roposed to place the measure permanently on the Statute 3ook. A scheme under which payment will be made in he cases covered by the measure has also been made and ublished under the Emergency Act.

Act No ~~XXIII~~ 7/1942

THE MYSORE WAR INJURIES ~~BILL~~ Act 1942

(Received the assent of His Highness the Maharaja on the Act day 7 July 1942)

A ~~Bill~~ to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

WHEREAS it is expedient to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore War Injuries Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Act and ending with such date as the Government may, by notification in the official Gazette, declare to be the date on which the present hostilities terminated;

(4) "gainfully occupied person" means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent;

(5) "scheme" means a scheme made under this Act;

(6) "war injury" means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty the King Emperor or of His Highness the Maharaja or any allied power, or any part of, or anything dropped from any such aircraft ;

(7) " war service injury ", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity :

Provided that before being so satisfied the Government or any other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

Power to make schemes for relief in respect of war injuries and war service injuries.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely :—

(*a*) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified ; and

(*b*) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government or any authority authorised by the Government to make payments under the scheme, in such circumstances and

subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

(*a*) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (*b*);

(*b*) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(*c*) payments for the purchase of or the grant at the cost of the Government of artificial limbs or surgical or other appliances, and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make rules for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(*a*) would be payable under the Workmen's Compensation Act, 1928; or

(*b*) would, whether by virtue of any enactment or by virtue of any contract or at common law, be payable—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or ommence proceedings within the time required by any nactment shall not be a bar to the maintenance of roceedings in respect of any personal injury, if—

(*a*) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(*b*) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(*c*) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(*d*) the proceedings are commenced within one month from the date of the said certificate.

Information as to earnings.

5. (1) Where it is necessary in order to determine ıe amount of any payment to be awarded under a ;heme in respect of any injury, to ascertain the earnings the person injured in respect of any period before he ıstained the injury, the Government or other authority ıthorised to make payments under the scheme may, by otice in writing, require—

(*a*) any person who was an employer of the injured person during that period, or

(*b*) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(*a*) fails to comply with the requirements of any such notice, or

(*b*) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

Medical attention in dispensaries and hospitals.

5-A. (1) The person managing any dispensary or hospital shall, if so required by the Government by general or special order,—

(*a*) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(*b*) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply, when so required, with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for false statement.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

Assignments or charges to be void.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors,

8. The Mysore War Injuries (Emergency) Act, 1942, (XV of 1942) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on the 21st day of January 1942. Repeal and savings.

No. R. L. 2569, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Penalties Enhancement Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE PENALTIES ENHANCEMENT BILL.

Statement of Objects and Reasons.

The Penalties Enhancement Ordinance, 1942, promulgated by the Governor-General in January 1942, provides for the enhancement, in certain circumstances, of the penalties provided by law for the punishment of certain offences. Such a step is intended to prevent theft and allied offences during war operations and during times of panic, by providing very deterrent punishment. These enhanced penalties, however, become applicable only by the issue of a notification by the Government to that effect.

Government considered it necessary to take similar power in Mysore to enhance penalties by the issue of a notification in an emergency. The matter being urgent, an Emergency Act was passed in February 1942. The circumstances have not changed for the better. It is necessary to continue the provisions of the Act beyond its life of six months. Therefore, this measure has been brought forward in order to place it permanently on the Statute Book. It is proposed to issue notifications under this Act only when the necessity for such issue arises.

NOTIFICATION.

Order No. Rl. 95—Legis. 1-42-1, dated Bangalore, the 22nd July 1942.

Ordered that the accompanying Mysore War Injuries Act, 1942, which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXII of 1942, in the *Mysore Gazette,* for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No XXII OF 1942.

THE MYSORE WAR INJURIES ACT, 1942.

(Received the assent of His Highness the Maharaja on the seventh day of July 1942.)

An Act to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

Whereas it is expedient to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore War Injuries Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Act and the scheme;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to

grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

(3) " continuance of the present hostilities " means the period beginning with the commencement of this Act and ending with such date as the Government may, by notification in the official Gazette, declare to be the date on which the present hostilities terminated ;

(4) " gainfully occupied person " means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) " scheme " means a scheme made under this Act ;

(6) " war injury " means a physical injury—

(*a*) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon , explosive or other noxious thing, or

(iii) the doing of any other injurious act,

either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(*b*) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty the King-Emperor or of His Highness the Maharaja or any allied power, or any part of, or anything dropped from any such aircraft ;

(7) " war service injury ", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity :

Provided that before being so satisfied the Government or any other authority authorised to make payments

under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely:—

(*a*) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified; and

(*b*) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Government or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

(*a*) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (*b*);

(*b*) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death; and

(*c*) payments for the purchase of or the grant at the cost of the Government of artificial limbs or surgical or other appliances, and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make rules for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority, as the case may be, but save in so far as it is so varied shall be final and conclusive.

Relief from liability to pay compensation or damages.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section—

(*a*) would be payable under the Workmen's Compensation Act, 1928; or

(*b*) would, whether by virtue of any enactment or by virtue of any contract or of common law, be payable—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer,

on the ground that the injury in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

(*a*) an application for the payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(*b*) the Court or other authority before which the proceedings are brought is satisfied that the

said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(*c*) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(*d*) the proceedings are commenced within one month from the date of the said certificate.

Information as to earnings.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may, by notice in writing, require—

(*a*) any person who was an employer of the injured person during that period, or

(*b*) any other person having any knowledge with respect to the financial circumstances of the injured person during that period,

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings..

(2) If any person—

(*a*) fails to comply with the requirements of any such notice, or

(*b*) in purported compliance with any such notice, knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

Medical attention in dispensaries and hospitals.

5-A. (1) The person managing any dispensary or hospital shall, if so required by the Government by general or special order,—

(*a*) provide at the dispensary or hospital medical and surgical treatment for persons who have

sustained injuries of the nature specified in sub-section (1) of section 3, and

(*b*) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply, when so required, with the provisions of this section, he shall be punishable with fine which may extend to one thousand rupees.

Penalty for false statement.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

Assignments or charges to be void.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

Repeal and savings.

8. The Mysore War Injuries (Emergency) Act, 1942, (XV of 1942) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on the 21st day of January 1942.

N. MADHAVA RAU,
Dewan.